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V.S., Appellant	)	
	)	
and	)	Docket No. 26-0363
	)	Issued: June 29, 2026
DEPARTMENT OF TRANSPORTATION,	)	
FEDERAL RAILROAD ADMINISTRATION,	)	
Washington, DC, Employer	)	
	)	

Case Submitted on the Record

Before:
ALEC J. KOROMILAS, Chief Judge
JANICE B. ASKIN, Judge
VALERIE D. EVANS-HARRELL, Alternate Judge

On March 9, 2026 appellant filed a timely appeal of a January 15, 2026 nonmerit decision of the Office of Workers' Compensation Programs. As more than 180 days has elapsed from the last merit decision dated April 7, 2025, to the filing of this appeal, pursuant to the Federal Employees' Compensation Act (FECA)¹ and 20 C.F.R. §§ 501.2(c) and 501.3, the Board lacks jurisdiction over the merits of this case.

The issue is whether OWCP properly denied appellant's request for reconsideration of the merits of her claim, pursuant to 5 U.S.C. § 8128(a).

On November 7, 2024 appellant, then a 38-year-old human resources (HR) specialist, filed an occupational disease claim (Form CA-2) alleging that she developed insomnia,

¹ 5 U.S.C. § 8101 *et seq.*

palpitations, involuntary muscle twitching, nightmares, suicidal ideations, tearfulness, depression, anxiety, agitation/irritability, and sadness due to factors of her federal employment, including being harassed, intimidated, restricted, and berated by her supervisor, G.P., and employing establishment staff. She claimed that incidents occurred from December 2022 through her departure from the employing establishment in September 2023.² Appellant noted that she first became aware of her conditions on March 8, 2023, and their relation to her federal employment on March 31, 2023.

In a November 5, 2024 narrative statement, appellant alleged that from March 2023 through September 2023 she was given excessive work assignments and worked 10-hour days when she was forced to come in the office despite her remote work status. She claimed that she was “locked” in her HR specialist position despite performing duties far beyond her HR specialist position description without proper training, written descriptions, and compensation. Employing establishment leadership blocked appellant’s requests for career advancement by failing to update her notification of personnel action form (Standard Form (SF) 50) as a Schedule A hire (Disabled Employee), which would have enabled her to transfer or be promoted to a GS-13 position outside the employing establishment in August 2022. The delay forced her to endure nine extra months within a toxic environment and to take medical leave to protect her health. B.B., an employing establishment reasonable accommodation program manager, reviewed appellant’s requests for reasonable accommodation and appellant declined her request to compromise on them. R.D., an Equal Employment Opportunity (EEO) counselor, repeatedly attempted to contact appellant from June 27 through 28, 2023, while she was on sick leave, pressuring her to mediate with G.P., and M.D., an employing establishment supervisory HR specialist. Appellant claimed that the combined pressures, isolation tactics, and outright hostility from management officials, including G.P., M.D., S.J., an employing establishment HR specialist/labor relations officer, and K.L., an employing establishment supervisory HR specialist, led to significant physical and psychological health issues that required emergency care and her immediate removal from the harmful environment.

In support of her claim, appellant submitted an attending physician’s report (Form CA-20), which noted a November 6, 2024 date of evaluation, wherein Dr. Theresa A. Stone, an attending internist, diagnosed insomnia, major depressive disorder, and general anxiety disorder due to workplace harassment.

In a December 2, 2024 development letter, OWCP informed appellant of the deficiencies of her claim. It advised her of the type of factual and medical evidence required and provided a questionnaire for her completion. OWCP afforded appellant 60 days to submit the necessary evidence. In a separate development letter dated February 3, 2025, it requested that the employing establishment provide comments from a knowledgeable supervisor regarding the accuracy of appellant’s allegations. OWCP also requested that the employing establishment identify any agency employees who might have additional information regarding appellant’s allegations and provide witness statements from such employees. It afforded the employing establishment 30 days to submit the requested information.

OWCP subsequently received clinic notes dated April 3, June 19, July 3 and 24, and September 7, 2023, and November 6, 2024, wherein Dr. Stone provided assessments of muscle

² On September 10, 2023 appellant transferred to another Federal Government agency.

spasm, post-traumatic stress disorder, ptosis, mild depression, unspecified anxiety state, and hip pain.

In a February 6, 2025 letter, appellant responded to OWCP's questionnaire. She again alleged harassment, mistreatment, and an excessive workload from March 2023 through September 2023. Appellant contended that employing establishment leadership exploited her disabilities, ignored her reports of harassment/violent treatment and requests from her physicians regarding her disability, retaliated against her when her physician placed her on medical leave from work, threatened and eventually executed an unwarranted suspension, and failed to respond to her concerns regarding her unreasonable workload. She filed an EEO complaint against the employing establishment regarding her allegations of harassment and mistreatment. Appellant also filed an internal grievance against the employing establishment alleging harassment which was denied following a biased investigation.

Appellant submitted an additional clinic note dated May 5, 2023 from Dr. Stone who reiterated her prior assessment of anxiety.

In a March 4, 2025 development letter, OWCP requested that the employing establishment review appellant's November 5, 2024 statement and provide comments from a knowledgeable supervisor regarding the accuracy of her allegations and witness statements from employees who might have additional information regarding appellant's allegations and provide witness statements from such employees.

In an April 2, 2025 letter, R.V., an employing establishment program consultant, responded to OWCP's March 4, 2025 development letter, controverting appellant's claim. She denied appellant's allegations, noting that they were the same allegations of hostile work environment contained in her EEO complaints of discrimination and harassment. R.V. submitted affidavits dated November 17, and December 1, 5, and 8, 2023, wherein M.D., S.J., G.P., and K.L., respectively, denied appellant's allegations of harassment and discrimination.

R.V. also submitted an official copy of appellant's HR specialist (employee/labor relations) position description.

By decision dated April 7, 2025, OWCP denied appellant's claim for an emotional/stress-related condition sustained in the performance of duty, finding that she had not established any compensable employment factors, and, thus, the requirements had not been met to establish an injury as defined by FECA.

On January 4, 2026 appellant requested reconsideration. She noted that her request was limited to correcting inaccuracies in the factual and medical record to ensure that her claim was adjudicated based on accurate information. Appellant contended that certain employment matters referenced in the record remained under review in a pending EEO Commission case and were not presented for adjudication of discrimination claims. She further contended that OWCP's April 7, 2025 decision contained statements that were factually incorrect and not supported by the medical evidence of record, including its assertion that she had submitted undated medical documentation. Appellant noted that documents from a healthcare provider displayed the date of service, provider name, and verified time stamp prominently in the document header. Additionally, she contended that OWCP's decision did not accurately reflect the duration of her employment-related exposure or continuity of medical treatment. Appellant

noted that she was harassed and subjected to a hostile work environment at the employing establishment from March 2023 through her departure in September 2023 and that she sought medical treatment during and after this period.

In support of her request, appellant submitted a report dated February 27, 2025, wherein Dr. Ghaleb Halaseh, a Board-certified internist, opined that appellant sustained emotional and physical conditions causally related to harassment and mistreatment by the employing establishment.

Appellant also submitted notes from the healthcare provider dated April 3 and July 3, 2023 which indicated that she was seen by Dr. Stone on those dates.

Additionally, appellant submitted an appendix of the medical evidence submitted, which she contended was sufficient to meet OWCP's requirements for the acceptance of her claim for an emotional/stress condition.

By decision dated January 15, 2026, OWCP denied appellant's request for reconsideration of the merits of her claim, pursuant to 5 U.S.C. § 8128(a).

LEGAL PRECEDENT

Section 8128(a) of FECA vests OWCP with discretionary authority to determine whether to review an award for or against compensation. The Secretary of Labor may review an award for or against compensation at any time on his or her own motion or on application.³

To require OWCP to reopen a case for merit review pursuant to FECA, the claimant must provide evidence or an argument which: (1) shows that OWCP erroneously applied or interpreted a specific point of law; (2) advances a relevant legal argument not previously considered by OWCP; or (3) constitutes relevant and pertinent new evidence not previously considered by OWCP.⁴

³ 5 U.S.C. § 8128(a); *see R.C.*, Docket No. 22-0612 (issued October 24, 2022); *M.S.*, Docket No. 19-1001 (issued December 9, 2019); *L.D.*, Docket No. 18-1468 (issued February 11, 2019); *V.P.*, Docket No. 17-1287 (issued October 10, 2017); *W.C.*, 59 ECAB 372 (2008).

⁴ 20 C.F.R. § 10.606(b)(3); *see R.C.*, *id.*; *L.D.*, *id.*

A request for reconsideration must be received by OWCP within one year of the date of OWCP's decision for which review is sought.⁵ If it chooses to grant reconsideration, it reopens and reviews the case on its merits.⁶ If the request is timely, but fails to meet at least one of the requirements for reconsideration, OWCP will deny the request for reconsideration without reopening the case for review on the merits.⁷

ANALYSIS

The Board finds that OWCP properly denied appellant's request for reconsideration of the merits of her claim, pursuant to 5 U.S.C. § 8128(a).

In her request for reconsideration of the April 7, 2025 decision denying her emotional/stress-related condition claim, appellant indicated that certain employment matters referenced in the record remained under review in a pending EEO Commission case and were not presented for adjudication of discrimination claims. However, she did not submit a final EEO decision on her complaint that she filed with respect to the alleged harassment and discrimination.⁸ Appellant neither established that OWCP erroneously applied or interpreted a specific point of law, nor advanced a relevant legal argument not previously considered by OWCP. Accordingly, the Board finds that she is not entitled to a review of the merits based on either the first or second above-noted requirements under 20 C.F.R. § 10.606(b)(3).⁹

Appellant further contended that OWCP incorrectly found that she submitted undated medical documentation, noting that she had submitted medical records which displayed the date of service, provider name, and verified time stamp prominently in the document header. The Board notes that while Dr. Stone's Form CA-20 did bear a date of examination, as the underlying issue in this case, *i.e.*, whether appellant has established any compensable employment factors in the performance of duty, as alleged, is factual in nature, her allegation regarding the inaccurate description of the medical evidence is irrelevant. The Board has held that the submission of evidence or argument which does not address the underlying issue involved does not constitute a basis for reopening a case.¹⁰ Thus, this evidence does not constitute a basis to reopen appellant's case for further merit review.

⁵ *Id.* at § 10.607(a). The one-year period begins on the next day after the date of the original contested decision. Federal (FECA) Procedure Manual, Part 2 -- Claims, *Reconsiderations*, Chapter 2.1602.4 (September 2020). Timeliness is determined by the document receipt date of the request for reconsideration as indicated by the received date in the Integrated Federal Employees' Compensation System (iFECS). *Id.* at Chapter 2.1602.4b.

⁶ *Id.* at § 10.608(a); *see also M.S.*, 59 ECAB 231 (2007).

⁷ *Id.*; *see also E.R.*, Docket No. 09-1655 (issued March 18, 2010).

⁸ *V.B.*, Docket No. 09-467 (issued October 19, 2009).

⁹ *See A.R.*, Docket No. 26-0105 (issued April 14, 2026); *L.W.*, Docket No. 21-0607 (issued October 18, 2022).

¹⁰ *See C.P.*, Docket No. 26-0007 (issued May 27, 2026); *K.C.*, Docket No. 24-0226 (issued July 17, 2024); *A.G.*, Docket No. 23-0045 (issued February 15, 2024); *Eugene F. Butler*, 36 ECAB 393, 398 (1984); *Edward Matthew Diekemper*, 31 ECAB 224-25 (1979).

Appellant also contended that OWCP did not accurately reflect the duration of her employment-related exposure or continuity of medical treatment. She alleged that she was harassed and subjected to a hostile work environment at the employing establishment from March 2023 through her departure in September 2023 and that she sought medical treatment during and after this period. However, OWCP, in its April 7, 2025 decision, accurately noted appellant's allegations of being harassed and subjected to a hostile work environment during the claimed period. Further, her allegation regarding her medical treatment is irrelevant to the underlying issue in this case, which is factual in nature.¹¹

Appellant submitted an appendix of her medical evidence. She also submitted Dr. Halaseh's February 27, 2025 report and April 3 and July 3, 2023 notes from a healthcare provider. However, appellant's lay opinion and the medical evidence submitted are irrelevant to the underlying issue in this case, which is factual in nature. As explained above, the submission of evidence, which does not address the particular issue involved does not constitute a basis for reopening a case.¹² Because appellant did not submit relevant and pertinent new evidence with her request for reconsideration, she was not entitled to a review of the merits based on the third requirement under 20 C.F.R. § 10.606(b)(3).¹³

The Board, therefore, finds that appellant has not met any of the requirements of 20 C.F.R. § 10.606(b)(3). Pursuant to 20 C.F.R. § 10.608, OWCP properly denied merit review.

CONCLUSION

The Board finds that OWCP properly denied appellant's request for reconsideration of the merits of her claim, pursuant to 5 U.S.C. § 8128(a).

¹¹ *Id.*

¹² *Id.*

¹³ *See* 20 C.F.R. § 10.606(b)(3)(iii); *S.W.*, Docket No. 25-0261 (issued February 24, 2025).

ORDER

IT IS HEREBY ORDERED THAT the January 15, 2026 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: June 29, 2026
Washington, DC

Alec J. Koromilas, Chief Judge
Employees' Compensation Appeals Board

Janice B. Askin, Judge
Employees' Compensation Appeals Board

Valerie D. Evans-Harrell, Alternate Judge
Employees' Compensation Appeals Board